

hold rewriting claims 38 and 39 in abeyance until the rejection of the parent claim 12 has been reconsidered.

II. Claim Rejections

Claims 1-4, 6, 11-14, 17-26, 46, and 60-65 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Pawlowski (EP 0 794 059 A2). Applicant submits that the Pawlowski reference fails to teach at least the valve seat as claimed in independent claims 1 and 12 (and all other rejected claims by virtue of their dependency from claims 1 and 12). Therefore, Applicant traverse these rejections based on at least the following remarks.

To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and limitation of the Applicants’ claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art.

The Examiner asserts that Pawlowski discloses all of the elements of the claimed invention. Specifically, the Examiner asserts that Pawlowski discloses “[a]n ink supply device (202) being a valve including a coil spring (515), a valve seat (415), [and] a movable membrane (505).”¹ Further, the Examiner asserts that “[o]ther functional limitations are considered inherent.”² We believe that the valve seat 415, as relied on by the Examiner, is not a valve seat as claimed in the present invention. In fact, the reference itself does not refer to part 415 as a valve seat, but as a central bore.³ It appears upon close reading of Pawlowski that the valve seat is actually part 517.⁴ Even given its broadest reasonable meaning, the central bore 415 cannot be considered a valve seat as claimed in claims 1 and 12. The central bore 415 allows air to flow

¹ Office Action dated December 4, 2001 at page 3.

² Id.

³ See col. 7:54-55; col. 8:46.

⁴ See col. 8:56; col. 10:36-40.

through to help vent air at atmospheric pressure. However, the valve seat of the claimed invention obstructs the flow of ink and only when the movable membrane is disengaged with the valve seat is ink permitted to flow around the valve seat. Therefore, since Pawlowski fails to teach the valve seat of the claimed invention, Pawlowski fails to teach all of the claimed limitations as required by 35 U.S.C. § 102(a).


Therefore, Applicant requests that the rejections of claims 1 and 12 (and all other rejected claims by virtue of their dependency from claims 1 and 12) be reconsidered and withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

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